

agree with the examiner's assertion. The examiner continued his Remarks by reasoning that "[s]ince information of all lower-rank elements are retrieved to each of the specified elements (an upper-rank elements [sic]), meaning that the upper-rank element is formed after the retrieving of the all [sic] lower-rank elements (first design data) or after the obtaining of the first design data." (Office Action, p. 3) (errors in original). The Applicants respectfully disagree with the examiner's reasoning, and the Applicants respectfully assert that the examiner is interpreting the order of selection in Nishiyama incorrectly.

Specifically, Nishiyama discusses the specification of particular element names. (Nishiyama, col. 8, lines 28-30). After specification of the particular element names, all lower-rank elements forming each of the specified elements are retrieved. (Nishiyama, col. 8, lines 34-40). The language used in Nishiyama, i.e., "lower-rank" elements, clearly indicates the relationship of the lower-rank elements to the specified elements. Someone skilled in the art would conclude that the specified elements are of a higher rank than the lower-rank elements that form the specified elements. Therefore, as argued previously and contrary to the examiner's assertion, Nishiyama discusses only retrieving the lower-rank elements after the higher rank elements are specified.

The Applicant's argument is further supported by the discussion in column 19, line 52 through column 20, line 8 of Nishiyama. Therein, the selection of lower-rank objects cannot occur until the particular (higher-rank) elements are specified, because lower-rank elements cannot even be identified without first identifying (specifying) the particular elements. Therefore, unlike the claimed invention, Nishiyama discusses first specifying higher-rank elements and subsequently (or at best, at the same time) identifying lower-rank elements. In the subject application, the complete opposite is claimed, i.e., lower-rank data is first retrieved, and subsequently higher-rank data is retrieved.

The present invention is advantageous, for example, in a case where, after designing work is completed from the lower rank through the upper rank, it becomes necessary to modify the lower rank. In such a case, no useful function is provided for referring to the upper rank during work on the lower rank in the conventional methods.

MPEP § 2131 states that "[a] claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The *identical* invention must be shown in as complete detail as is contained in the ... claim" (emphasis added). Therefore, because Nishiyama does not disclose each and every element of

the claimed invention, as discussed above, claims 1, 5, and 9 of the subject application are patentably distinguishable over Nishiyama.

Withdrawal of the foregoing rejections is respectfully requested.


CONCLUSION

There being no further objections or rejections, it is submitted that the application is in condition for allowance, which action is courteously requested. Finally, if there are any formal matters remaining after this response, the examiner is requested to telephone the undersigned to attend to these matters. If there are any additional fees associated with filing of this Response, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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